



The City of San Diego

Staff Report

DATE ISSUED: November 2, 2023

TO: Privacy Advisory Board

FROM: San Diego Police Department (SDPD)

SUBJECT: Presentation of Use Policies and Surveillance Impact Reports Associated with the Avalex DVR and FLIR 380 HDc Camera

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Council District(s): Citywide

OVERVIEW:

On August 10, 2022, the City of San Diego amended and added Chapter 2, Article 10, of the San Diego Municipal Code – the “Transparent and Responsible Use of Surveillance Technology” (Surveillance Ordinance). The Surveillance Ordinance is designed to provide greater transparency to City Council and the public when the City uses or acquires any technology that meets the City’s definition of surveillance. The Surveillance Ordinance requires that for each technology that meets the criteria for surveillance, City Departments must:

- Hold at least one or more community meetings in each City Council district where the proposed surveillance technology is deployed, with an opportunity for public comment and written response.
- Prepare a Surveillance Use Policy that includes the purpose, use, data collection, data access, data protection, data retention, public access, third-party data sharing, training, auditing, oversight, and maintenance.
- Prepare a Surveillance Impact Report including description, purpose, location, impact assessment, mitigations, data types and sources, data security, fiscal cost, third-party dependence, alternatives, track record, public engagement, and comments.
- Present the item to the Privacy Advisory Board for review.
- Present the item to City Council for the acquisition and deployment of all new and currently used surveillance technologies.
- Provide annual reports on surveillance technology use, impact, and acquisitions.

PROPOSED ACTIONS:

In accordance with the Board Notification and Review Requirements outlined in section 210.0102 of the Surveillance Ordinance, the Department is requesting approval for use, funding, acquisition and sharing of technology which falls within the definition of surveillance technology under the ordinance. Specifically, the items being requested are known as the Avalex DVR and FLIR 380 HDc (FLIR) camera.

DISCUSSION OF ITEM:

SDPD's mission is to provide the highest quality police services to the communities it serves. SDPD values transparency, public input, and welcomes open dialogue about its practices and operations. The preservation and sustainability of public safety, officer safety, and civil rights is paramount. SDPD further recognizes the importance and value of public disclosure regarding the qualified surveillance technology we use. It is our intent to present to the Privacy Advisory Board our Avalex DVR and FLIR camera used by the Department's Air Support Unit (ABLE).

The Avalex DVR is a helicopter (instrument panel) mounted device that records the image created by the FLIR camera. The camera is externally mounted on each of our aircraft during normal patrol operations. The Tactical Flight Officer (TFO) activates the Avalex DVR when imagery is to be recorded. Crew members only record when assigned to a police-related incident. The FLIR camera, or sensor, can produce images in color, low-light, or infrared. The TFO manually manipulates the camera to the desired sensor depending on the time of day, environment, or conditions. The Avalex DVR records the image being produced and displayed on the display monitor in the aircraft.

Police use of a recorder and camera for airborne law enforcement is common and is regularly used in municipalities with air support resources. SDPD's Air Support Unit responds to police-related calls by either being requested via dispatchers, or crews can volunteer to assist. ABLE responds to thousands of calls a year with crews providing real-time information for officers below. ABLE's ability to arrive on scene (ABLE is first on scene about 50 percent of time) quickly allows the crews to help deescalate and provide critical updates for first responders. The camera and recorder provide additional documentation of police/public encounters and are an important tool for collecting evidence and maintaining public trust.

Video of incidents that are of possible evidentiary value in criminal cases or specifically requested by department members for approved department needs are impounded on a secure, department external drive and assigned an ABLE video recording number. Videos can be uploaded to the Department video evidence management system upon approved request.

The materials required under the Surveillance Ordinance accompany this Staff Report in compliance with the ordinance to provide information surrounding the proposed use of the Avalex DVR and FLIR and answer any questions associated with their use and community impact.

David Nisleit _____

Chief of Police